

MESSAGE NO: 4241310 MESSAGE DATE: 08/29/2014

MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: OTH-Other PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: 79 FR 28891 FR CITE DATE: 05/20/2014

REFERENCE
MESSAGE #
(s):

CASE #(s): C-570-917

EFFECTIVE DATE: 03/18/2011 COURT CASE #: CAFC 2013-1208

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Change in effective date to clarification of the CVD order on laminated woven sacks produced in the PRC (C-570-917) from fabric originating in a third country (multiple case numbers)

1. On 07/23/2010, Commerce issued clarification instructions stating that laminated woven sacks (LWS) that are produced in the People's Republic of China (PRC) from woven fabric consisting of woven polypropylene strip and/or woven polyethylene strip, to be within the scope of the antidumping and countervailing duty orders covering LWS from the PRC regardless of the origin of the fabric. See message number 0204301.

2. On 11/23/2010, Commerce issued clarification instructions stating that for entries of LWS from the PRC that are produced from fabric originating in a third country, (i.e. subject merchandise produced from fabric that has a country of origin other than the PRC), case numbers have been assigned for countervailing duty purposes, based on the country of origin designation for customs purposes. Case numbers have been created for the following countries: Korea (C-580-864), Hong Kong (C-582-805), India (C-533-851), Kyrgyzstan (C-463-505), Pakistan (C-535-902), Taiwan (C-583-847), and Vietnam (C-552-808) (see message 0327306, dated 11/23/2010).

Also, in message 0327306, dated 11/23/2010, Commerce instructed U.S. Customs and Border Protection (CBP) that for entries of LWS produced in the PRC from fabric that has a country of origin other than the PRC, CBP should suspend liquidation of such merchandise entered, or withdrawn from warehouse, for consumption, on or after 12/03/2007 (the date of the preliminary determination in the countervailing duty investigation on this product), and required, for such entries, a cash deposit or the posting of a bond equal to the cash deposit rates in effect on the date of entry.

3. On 12/13/2013, the Court of Appeals for the Federal Circuit issued its decision in appeal number 2013-1208, AMS Associates, Inc. v. United States, 737 F.3d 1338 (Fed. Cir. 2013), affirming the Court of International Trade's judgment in AMS Associates, Inc. v. United States, Court. No. 11-00148, 881 F. Supp. 2d 1374 (CIT 2012). Pursuant to this final court decision, the Department amended the effective date of its country of origin determination regarding LWS produced in the PRC from fabric that has a country of origin other than the PRC (see 79 FR 28891, 5/20/2014). The effective date of that determination is now 3/18/2011, the publication date

of the final results of the first administrative review in the companion antidumping duty case, wherein we finalized the determination (see 76 FR 14906, 3/18/2011).

4. Accordingly, the effective date for message 0327306, the message in which we first instructed CBP to suspend this merchandise, is now 3/18/2011. Therefore, CBP shall suspend liquidation of all LWS from the PRC, regardless of the origin of the woven fabric, that is entered, or withdrawn from warehouse, for consumption, on or after 03/18/2011 until liquidation instructions are issued.

5. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OVII:TP)

6. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party